UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,977	01/17/2001	John Barile	1280.00278	5743

7590 03/19/2004

David E Bennett
Coats & Bennett
1400 Crescent Green
Suite 300
Cary, NC 27511

EXAMINER	
NGUYEN, LE V	

ART UNIT	PAPER NUMBER
2174	9

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/761,977	BARILE, JOHN	
	Examiner	Art Unit	
	Le Nguyen	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/30/2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,10-21,24-35 and 39-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7, 10-21, 24-35 and 39-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to Amendment A, filed 12/30/03.

2. Claims 1-7, 10-21, 24-35 and 39-46 are pending in this application; claims 1, 15, 29-31, 45 and 46 are independent claims; and, claims 8-9, 22-23 and 37-38 have been cancelled.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

4. Claims 1-4, 6 and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kohda (US 5,675,374).

As per claim 1, Kohda teaches a communication terminal for video conferencing with remote participants, comprising a display, a receiver receiving audio and video signals from a plurality of the remote participants (Abstract), a comparator comparing the received audio signals from the remote participants and a controller controlling the display to display a video image extracted from the video signals based on the comparison of the received audio signals (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *a comparator detects audio signals and an image determination means controls the display and displays a video image extracted from the video signals based on the comparison of the received audio signals*).

As per claim 2, Kohda teaches a communication terminal for video conferencing with remote participants wherein the comparator selects an active participant from the remote

participants (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *wherein active participants are selected from the remote participants*).

As per claims 3 and 14, Kohda teaches a communication terminal for video conferencing with remote participants wherein the comparator selects as the active participant the remote participant from which the strongest audio signal is received (col. 10, lines 1-7; col. 11, lines 9-31; *the comparator selects the active participant, the speaking participant, with the strongest audio signal*).

As per claim 4, Kohda teaches a communication terminal for video conferencing with remote participants wherein the comparator compares the audio signals over a selected period of time (col. 17, lines 12-17).

As per claims 6 and 13, Kohda teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *e.g. if two out of three participants are actively speaking, the two actively speaking will be displayed while the third will not be displayed*).

Claim Rejections - 35 USC § 103

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda (US 5,675,374) in view of Palmer et al. ("Palmer", US 5,594,859).

As per claim 5, although Kohda teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to distinguish

all but one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *e.g. if two out of three participants are actively speaking, the two actively speaking will be displayed while the third will not be displayed*), Kohda does not explicitly disclose the distinguishing feature to be one wherein the controller freezes all but one of the video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator. Palmer teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to freeze all but one of the video image of one remote participant based on user's selective comparison of the received audio signals from the remote participants (col. 9, lines 19-20). Therefore, it would have been obvious to an artisan at the time of the invention to include Palmer's method to selectively freeze all but one extracted video image of one remote participant based on a comparison of the received audio signals from remote participants in a video conferencing system to Kohda's method of selectively distinguish all but one extracted video image of one remote participant based on a comparison of the received audio signals from remote participants based on the comparison of the received audio signals from the remote participants by the comparator in a video conferencing system in order to provide a participant more control as to how the video images of other participants are viewed.

6. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda (US 5,675,374) in view of Palmer et al. ("Palmer", US 5,594,859).

As per claim 7, although Kohda teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one

extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *e.g. if two out of three participants are actively speaking, the two actively speaking will be displayed while the third will not be displayed*), Kohda does not explicitly disclose the highlighting feature to be one wherein the controller displays the one video image in an area larger than the area in which each other video image is displayed. Palmer teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image in an area larger than the area in which each other video image is displayed (fig. 18; col. 21, lines 5-6; *video image 524 of fig. 18 may be "sized"*). Therefore, it would have been obvious to an artisan at the time of the invention to include Palmer's method wherein the controller controls the display to highlight one extracted video image by displaying the one video image in an area larger than the area in which each other video image is displayed in a video conferencing system to Kohda's method wherein the controller controls the display to highlight one extracted video image in order to provide a participant more control as to how the video images of other participants are viewed.

As per claim 8, the modified Kohda and Palmer teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to display only the one video image (Palmer: fig. 26(a)).

As per claim 9, the modified Kohda and Palmer teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to display other than the one video image in areas smaller than the area in which the one video image is displayed (Palmer: fig. 18; col. 21, lines 5-6; *video image 524 of fig. 18 may be "sized"*).

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda (US 5,675,374) in view of Palmer et al. ("Palmer", US 5,594,859).

As per claim 12, Kohda teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *e.g. if two out of three participants are actively speaking, the two actively speaking will be displayed while the third will not be displayed*), Kohda does not explicitly disclose the highlighting feature to be one wherein the controller displays video images other than the one video image using a color scheme different than the color scheme used to display the one video image. Palmer teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image by displaying video images other than the one video image using a color scheme different than the color scheme used to display the one video image (figs. 2 and 26(b-g); *e.g. control of color hue, color saturation, brightness, contrast*). Therefore, it would have been obvious to an artisan at the time of the invention to include Palmer's method wherein the controller controls the display to highlight one extracted video image by displaying video images other than the one video image using a color scheme different than the color scheme used to display the one video image to Kohda's method wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator in order to provide a participant more control as to how the video images of other participants are viewed.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda (US 5,675,374) in view of Tang et al. ("Tang", US 5,793,365).

As per claim 10, although Kohda teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31), Kohda does not explicitly disclose the highlighting to be in the form of a distinctive border around the one video image. Tang teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight the one video image by displaying a distinctive border around the one video image (fig. 1A; col. 7, lines 36-38). Therefore, it would have been obvious to an artisan at the time of the invention to include Tang's distinctive border as a form of highlighting to Kohda's method of highlighting in order to provide a participant more control as to how the video images of other participants are viewed.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda (US 5,675,374) in view of Tang et al. ("Tang", US 5,793,365).

As per claim 11, although Kohda teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31), Kohda does not explicitly disclose the highlighting to be in the form of displaying alphanumeric identification regarding the one remote participant. Tang teaches a

communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image by displaying alphanumeric identification regarding the one remote participant (col. 9, lines 29-33; figs. 1B, 3, 5 and 8; *e.g. "Trevor Morris x63097... ", "Trev", "Ellen, Rick", etc.*). Therefore, it would have been obvious to an artisan at the time of the invention to include Tang's teaching of a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image by displaying alphanumeric identification regarding the one remote participant to Kohda's teaching of a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator in order to provide a participant more control as to how the video images of other participants are viewed.

10. Claims 15-18, 20, 27-28, 30, 31-35, 43-44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda (US 5,675,374) in view of Ludwig et al. ("Ludwig", US 6,212,547 B1).

As per claim 15, Kohda teaches a communication terminal for video conferencing with remote participants, comprising a display, a receiver receiving audio and video signals from a plurality of the remote participants (Abstract), a comparator comparing the received audio signals from the remote participants and a controller controlling the display to display a video image extracted from the video signals based on the comparison of the received audio signals (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *a comparator detects audio signals and an image determination means controls the display and displays a video image*

extracted from the video signals based on the comparison of the received audio signals). Kohda does not explicitly disclose the communication terminal to be a mobile terminal. Ludwig teaches a mobile terminal for video conferencing (col. 18, lines 17-20). Therefore, it would have been obvious to an artisan at the time of the invention to include Ludwig's mobile terminal for video conferencing to Kohda's communication terminal for video conferencing in order to provide users with a portable system and a system with greater accessibility.

As per claim 16, the modified Kohda and Ludwig teaches a communication terminal for video conferencing with remote participants wherein the comparator selects an active participant from the remote participants (Kohda: figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *wherein active participants are selected from the remote participants*).

As per claim 17, the modified Kohda and Ludwig teaches a communication terminal for video conferencing with remote participants wherein the comparator selects as the active participant the remote participant from which the strongest audio signal is received (Kohda: col. 10, lines 1-7; col. 11, lines 9-31; *the comparator selects the active participant, the speaking participant, with the strongest audio signal*).

As per claim 18, the modified Kohda and Ludwig teaches a communication terminal for video conferencing with remote participants wherein the comparator compares the audio signals over a selected period of time (Kohda: col. 17, lines 12-17).

As per claim 20, the modified Kohda and Ludwig teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (Kohda: figs. 4-5; col. 6,

lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *e.g. if two out of three participants are actively speaking, the two actively speaking will be displayed while the third will not be displayed*).

Claim 31 is similar in scope to claim 15 and is therefore rejected under similar rationale.

Claim 32 is similar in scope to claim 16 and is therefore rejected under similar rationale.

Claims 33 and 44 are individually similar in scope to claim 17 and are therefore rejected under similar rationale.

Claim 34 is similar in scope to claim 18 and is therefore rejected under similar rationale.

Claims 35 and 43 are individually similar in scope to claim 20 and are therefore rejected under similar rationale.

Claims 30 and 46 are individually similar in scope to claim 15 and are therefore rejected under similar rationale, with the exception of the one video image and another video image displayed on the right side and the left side respectively as well as outputting the audio signal associated with the one video signal and the other video signal to a right speaker and left speaker respectively, which Khoda also teaches (col. 11, line 34 through col. 10, line 7; *right versus left video and acoustic means*).

As per claim 28, Kohda teaches a communication terminal for video conferencing with remote participants wherein the comparator selects as the active participant the remote participant from which the strongest audio signal is received (col. 10, lines 1-7; col. 11, lines 9-31; *the comparator selects the active participant, the speaking participant, with the strongest audio signal*).

As per claim 27, Kohda teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video

image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *e.g. if two out of three participants are actively speaking, the two actively speaking will be displayed while the third will not be displayed*).

11. Claims 19 and 41 rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda (US 5,675,374) in view of Ludwig et al. ("Ludwig", US 6,212,547 B1) as applied to claim 15 above, and further in view of Palmer et al. ("Palmer", US 5,594,859).

As per claim 19, although the modified Kohda and Ludwig teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to distinguish all but one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (Kohda: figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *e.g. if two out of three participants are actively speaking, the two actively speaking will be displayed while the third will not be displayed*), the modified Kohda and Ludwig does not explicitly disclose the distinguishing feature to be one wherein the controller freezes all but one of the video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator. Palmer teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to freeze all but one of the video image of one remote participant based on user's selective comparison of the received audio signals from the remote participants (col. 9, lines 19-20). Therefore, it would have been obvious to an artisan at the time of the invention to include Palmer's method to selectively freeze all but one extracted video image of one remote participant based on a comparison of the received audio

signals from remote participants in a video conferencing system to the modified Kohda and Ludwig's method of selectively distinguish all but one extracted video image of one remote participant based on a comparison of the received audio signals from remote participants based on the comparison of the received audio signals from the remote participants by the comparator in a video conferencing system in order to provide a participant more control as to how the video images of other participants are viewed.

Claim 41 is similar in scope to claim 19 and is therefore rejected under similar rationale.

12. Claims 21-23 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda (US 5,675,374) in view of Ludwig et al. ("Ludwig", US 6,212,547 B1) as applied to claim 15 above, and further in view of Palmer et al. ("Palmer", US 5,594,859).

As per claim 21, although the modified Kohda and Ludwig teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (Kohda: figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *e.g. if two out of three participants are actively speaking, the two actively speaking will be displayed while the third will not be displayed*), the modified Kohda and Ludwig does not explicitly disclose the highlighting feature to be one wherein the controller displays the one video image in an area larger than the area in which each other video image is displayed. Palmer teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image in an area larger than the area in which each other video image is displayed (fig. 18; col. 21, lines 5-6; *video image 524 of fig. 18*

may be "sized"). Therefore, it would have been obvious to an artisan at the time of the invention to include Palmer's method wherein the controller controls the display to highlight one extracted video image by displaying the one video image in an area larger than the area in which each other video image is displayed in a video conferencing system to the modified Kohda and Ludwig's method wherein the controller controls the display to highlight one extracted video image in order to provide a participant more control as to how the video images of other participants are viewed.

As per claim 22, the modified Kohda, Ludwig and Palmer teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to display only the one video image (Palmer: fig. 26(a)).

As per claim 23, the modified Kohda, Ludwig and Palmer teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to display other than the one video image in areas smaller than the area in which the one video image is displayed (Palmer: fig. 18; col. 21, lines 5-6; *video image 524 of fig. 18 may be "sized"*).

Claim 36 is similar in scope to claim 21 and is therefore rejected under similar rationale.

Claim 37 is similar in scope to claim 22 and is therefore rejected under similar rationale.

Claim 38 is similar in scope to claim 23 and is therefore rejected under similar rationale.

13. Claims 24 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda (US 5,675,374) in view of Ludwig et al. ("Ludwig", US 6,212,547 B1) as applied to claim 15 above, and further in view of Tang et al. ("Tang", US 5,793,365).

As per claim 24, although the modified Kohda and Ludwig teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (Kohda: figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31), the modified Kohda and Ludwig does not explicitly disclose the highlighting to be in the form of a distinctive border around the one video image. Tang teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight the one video image by displaying a distinctive border around the one video image (fig. 1A; col. 7, lines 36-38). Therefore, it would have been obvious to an artisan at the time of the invention to include Tang's distinctive border as a form of highlighting to the modified Kohda and Ludwig's method of highlighting in order to provide a participant more control as to how the video images of other participants are viewed.

Claim 39 is similar in scope to claim 24 and is therefore rejected under similar rationale.

14. Claims 25 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda (US 5,675,374) in view of Ludwig et al. ("Ludwig", US 6,212,547 B1) as applied to claim 15 above, and further in view of Tang et al. ("Tang", US 5,793,365).

As per claim 25, although the modified Kohda and Ludwig teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (Kohda: figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31), the modified Kohda

and Ludwig does not explicitly disclose the highlighting to be in the form of displaying alphanumeric identification regarding the one remote participant. Tang teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image by displaying alphanumeric identification regarding the one remote participant (col. 9, lines 29-33; figs. 1B, 3, 5 and 8; *e.g. "Trevor Morris x63097...", "Trev", "Ellen, Rick", etc.*). Therefore, it would have been obvious to an artisan at the time of the invention to include Tang's teaching of a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image by displaying alphanumeric identification regarding the one remote participant to the modified Kohda and Ludwig's teaching of a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator in order to provide a participant more control as to how the video images of other participants are viewed.

Claim 40 is similar in scope to claim 25 and is therefore rejected under similar rationale.

15. Claims 26 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda (US 5,675,374) in view of Ludwig et al. ("Ludwig", US 6,212,547 B1) as applied to claim 15 above, and further in view of Palmer et al. ("Palmer", US 5,594,859).

As per claim 26, the modified Kohda and Ludwig teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (Kohda: figs. 4-5; col. 6,

lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *e.g. if two out of three participants are actively speaking, the two actively speaking will be displayed while the third will not be displayed*), the modified Kohda and Ludwig does not explicitly disclose the highlighting feature to be one wherein the controller displays video images other than the one video image using a color scheme different than the color scheme used to display the one video image. Palmer teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image by displaying video images other than the one video image using a color scheme different than the color scheme used to display the one video image (figs. 2 and 26(b-g); *e.g. control of color hue, color saturation, brightness, contrast*). Therefore, it would have been obvious to an artisan at the time of the invention to include Palmer's method wherein the controller controls the display to highlight one extracted video image by displaying video images other than the one video image using a color scheme different than the color scheme used to display the one video image to the modified Kohda and Ludwig's method wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator in order to provide a participant more control as to how the video images of other participants are viewed.

Claim 42 is similar in scope to claim 26 and is therefore rejected under similar rationale.

16. Claims 29 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda (US 5,675,374) in view of Ludwig et al. ("Ludwig", US 6,212,547 B1), and further in view of Palmer et al. ("Palmer", US 5,594,859).

As per claim 29, Kohda teaches a communication terminal for video conferencing with remote participants, comprising a display, a receiver receiving audio and video signals from a plurality of the remote participants (Abstract), a comparator comparing the received audio signals from the remote participants and a controller controlling the display to display a video image extracted from the video signals based on the comparison of the received audio signals (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *a comparator detects audio signals and an image determination means controls the display and displays a video image extracted from the video signals based on the comparison of the received audio signals*). Kohda does not explicitly disclose the communication terminal to be a mobile terminal. Ludwig teaches a mobile terminal for video conferencing (col. 18, lines 17-20). Therefore, it would have been obvious to an artisan at the time of the invention to include Ludwig's mobile terminal for video conferencing to Kohda's communication terminal for video conferencing in order to provide users with a portable system and a system with greater accessibility. However, the modified Kohda and Ludwig does not explicitly disclose a display having a height greater than its width, the display operating in a portrait mode in a default condition and a controller controlling the display to display video images extracted from the video signals in a landscape mode when the wireless receiver receives the video signals from a plurality of the remote participants. Palmer teaches a a display having a height greater than its width, the display operating in a portrait mode in a default condition and a controller controlling the display to display video images extracted from the video signals in a landscape mode when the wireless receiver receives the video signals from a plurality of the remote participants (fig. 18; col. 21, lines 5-6; *video image 524 of fig. 18 may be "sized"*). Therefore it would have been obvious to an artisan at the time of the invention

to include Palmer's method of sizing a display in a video conferencing system to the modified Khoda and Ludwigs method of a video conferencing system in order to provide a participant more control as to how the video images of other participants are viewed.

As per claim 29, Khoda teaches a method of

Claim 45 is similar in scope to claim 29 and is therefore rejected under similar rationale.

Response to Arguments

17. Applicant's arguments filed 12/30/03 have been fully considered but they are not persuasive.

Applicant argued the following:

(a) Kohda's image distributing unit does not have a display.

(b) Kohda does not look for the participant from which the strongest audio signal is received.

(c) Palmer does not teach freezing all but one extracted video image of one remote participant based on the comparison of the received audio signals.

(d) Kohda says nothing about "highlighting" one extracted video image as in "surrounding...with a distinctive border" or "using a different color scheme" as described in the specification.

(e) Palmer does not teach "highlighting" one extracted video image as in "displaying [the] one video image in an area larger than the area in which each other video image is displayed" or "displaying video images other than [the] one video image using a color scheme different than the color scheme used to display the one video image". Moreover,

"highlighting...based on the comparison of the received audio signals from [the] remote participants"

(f) Tang does not teach "highlighting" one extracted video image as in "displaying a distinctive border around [the] one video image" or "displaying alphanumeric identification regarding [the] one remote participant" based on the audio signals.

(g) Kohda's "video image" is not a "video data image" as claimed.

(h) Ludwig cannot be properly combined with Kohda and/or the modified Kohda and Palmer and/or the modified Kohda and Tang.

(i) The Examiner relies on Palmer in an attempt to show the portrait/landscape display use; this reliance is misplaced.

The Examiner disagrees for the following reasons:

Per (a), Kohda does teach an image distributing unit employing an image display system with display (fig. 9; col. 3, lines 26-27; col. 10, line 17 through col. 11, line 8).

Per (b), in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., look versus select as claimed) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Moreover, Kohda's selection of the active participant, the remote participant, from which the strongest audio signal is received is selectively displayed and heard with a large volume (col. 10, lines 1-7).

Per (c), in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). While Kohda teaches comparing audio signals (col. 11, lines 10-32), the teaching extracted from Palmer is for pausing/freezing video frames (col. 9, lines 19-20).

Per (d), in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "surrounding...with a distinctive border" and "using a different color scheme") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Highlighting, as understood by one of ordinary skill in the computer arts, connotes *to alter the appearance of displayed characters as a means of calling attention to them.* Furthermore, highlighting is synonymous with to emphasize, draw attention to, stress, show up or bring to light. Therefore, Kohda does teach highlighting in accordance to the definition of highlighting (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31).

Per (e), in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Kohda teaches comparing audio signals (col. 11, lines 10-32); the teaching extracted from Palmer is for displaying the one video image in an area larger than the area in which each other video image is displayed (col. 21,

lines 5-6; col. 2, lines 4-8; col. 16, lines 40-43; *i.e. sizing a video image*) and displaying video images other than the one video image using a color scheme different than the color scheme used to display the one video image (figs. 2 and 26(b-g); *control of color hue (wherein hue can be a shade or type), color saturation, brightness, contrast are all examples of changing a color scheme*).

Per (f), in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Kohda teaches comparing audio signals (col. 11, lines 10-32); the teaching extracted from Tang is for highlighting to display a distinctive border around the one video image (fig. 1A; col. 7, lines 36-38) and displaying alphanumeric identification regarding the one remote participant (col. 9, lines 29-33; figs. 1B, 3, 5 and 8; *e.g. alphanumeric characters consisting of both letters and numbers such as "Trevor Morris x63097..."*).

Per (g), in order for Kohda to send and display video images (figs. 4, 5, 9 *and respective portions of the specification*), it is inherent that the video images be sent in some form of corresponding data/information, in particular video data/information, in order for the video images to be viewed.

Per (h), in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both teachings, Ludwig and Kohda/the modified Kohda's, are drawn towards a video conferencing system. Therefore, it would have been obvious to an artisan at the time of the invention to include Ludwig's mobile terminal for video conferencing to Kohda's communication terminal for video conferencing in order to provide users with a portable system given that portable systems can be carried by the user and frees the user from the encumbrance of having to have external connections, thereby, increasing ease of movement.

Per (i), as is understood by one of ordinary skill in the art, landscape mode is a mode wherein the width of the image on the page is greater than the height, and portrait mode is a mode wherein the image is rectangular in shape and displayed across the narrower dimension of the rectangle. Therefore, Palmer's feature of sizing/resizing (col. 21, lines 5-6; col. 2, lines 4-8; col. 16, lines 40-43) allows for a portrait/landscape display.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquires

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Lê whose telephone number is **(703) 305-7601**. The examiner can normally be reached on Monday - Friday from 5:30 am to 2:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned is as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN
Patent Examiner
March 8, 2004

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100